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10 **UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF CALIFORNIA**

12 LEON DELEON,) CIVIL NO. 1:23-CV-00585-SKO
13 Plaintiff,)
14 v.) **STIPULATION TO VOLUNTARY**
15 KILOLO KIJAKAZI,) **REMAND PURSUANT TO SENTENCE**
Acting Commissioner of Social Security,) **FOUR OF 42 U.S.C. § 405(g) AND TO**
16 Defendant.) **ENTRY OF JUDGMENT; ORDER**
(Doc. 11)
17)
18)

19 IT IS STIPULATED by and between Plaintiff (“Plaintiff”) and Defendant Kilolo
20 Kijakazi, Acting Commissioner of Social Security (“Defendant”), through their undersigned
21 counsel of record, that the above-entitled action shall be remanded to the Commissioner of
22 Social Security for further administrative proceedings.

23 Upon remand, the Appeals Council will remand the case to an Administrative Law
24 Judge (ALJ) to develop the administrative record as necessary and issue a new decision. The
25 parties further request that the Court direct the Clerk of the Court to enter a final judgment in
26 favor of Plaintiff, and against Defendant, reversing the final decision of the Commissioner. The
27 parties agree that reasonable attorney fees will be awarded under the Equal Access to Justice
28 Act, 28 U.S.C. § 2412, upon proper request to the Court.

STIPULATION TO REMAND; ORDER

1 This stipulation constitutes a remand under the fourth sentence of Section 205(g) of the
2 Social Security Act, 42 U.S.C. 405(g).

3
4 Dated: June 3, 2023

/s/ Jonathan Pena*

JONATHAN PENA

Attorney for Plaintiff

*Authorized via e-mail on June 2, 2023

PHILLIP A. TALBERT

United States Attorney

MATHEW W. PILE

Associate General Counsel

Social Security Administration

By: /s/ Heidi L. Triesch

HEIDI L. TRIESCH

Special Assistant United States Attorney

Attorneys for Defendant

15 **ORDER**

16 Based upon the parties' Stipulation and Unopposed Motion to Voluntary Remand
17 Pursuant to Sentence Four of 42 U.S.C. § 405(g) and to Entry of Judgment ("Stipulation to
18 Remand") (Doc. 11), and for good cause shown, **IT IS ORDERED** that the above-captioned
19 action is remanded to the Commissioner of Social Security for further proceedings pursuant to
20 the fourth sentence of Section 205(g) of the Social Security Act, 42 U.S.C. 405(g).

21 The Clerk of Court shall enter a final judgment in favor of Plaintiff, and against Defendant,
22 vacating and reversing the final decision of the Commissioner and thereafter close this case.

23
24 IT IS SO ORDERED.

25 Dated: **June 6, 2023**

/s/ Sheila K. Oberto

UNITED STATES MAGISTRATE JUDGE